

PROPOSED REGULATION ORDER

Add the following section to title 13, California Code of Regulations, to read as set forth on the following pages:

Section 2024	School Buses Operated in the South Coast Air Quality Management District
Section 2024.1	Determining Compliance for School Buses

Note: This section is shown entirely in plain text.

PROPOSED REGULATION ORDER

Adopt new sections 2024 and 2024.1, title 13, California Code of Regulations, to read as follows:

(Note: The entire text of section 2024 and 2024.1 set forth below is new language proposed to be added to the California Code of Regulations.)

§ 2024. School Buses Operated in the South Coast Air Quality Management District

- (a) Purpose. To reduce air toxic and criteria pollutant emissions, this regulation requires public and private school bus fleet operators and owners to acquire less-polluting school buses when purchasing or leasing these vehicles for operations in the South Coast Air Quality Management District.
- (b) Applicability. Section 2024 and 2024.1 apply to public and private school bus fleets that operate within the jurisdiction of the South Coast Air Quality Management Air Quality District (District).
 - (1) The owner/operator shall comply with the requirements of sections 2024 and 2024.1 for a school bus fleet of 15 or more medium and/or heavy-duty school buses. Compliance with the requirements of sections 2024 and 2024.1 is contingent on the availability of sufficient grant funding or external sources of funding beyond that of the school district's or private school transportation company's fiscal budget as authorized under Education Code title 1, division 1, part 10.8, section 17920 et seq.
- (c) Definitions. The definitions in section 2020 shall apply to sections 2024 and 2024.1. In addition, the following definitions apply to section 2024 and 2024.1.
 - (1) EXECUTIVE OFFICER means the Executive Officer of the South Coast Air Quality Management District, unless otherwise specified.
 - (2) HEAVY-DUTY SCHOOL BUS means any school bus having a gross vehicle weight rating greater than 14,000 pounds.
 - (3) LOW-EMISSION VEHICLE (LEV) means any vehicle certified to low-emission standards set forth in the "California Exhaust Emission Standards and Test Procedures for 1981 through 2006 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" and "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as incorporated by reference in sections 1960.1(h)(2) and 1961(a)(1), title 13, California Code of Regulations.

- (4) MEDIUM-DUTY SCHOOL BUS means any school bus having a gross vehicle weight rating of more than 6,000 pounds and up to 14,000 pounds.
- (5) PUBLIC OR PRIVATE SCHOOL BUS FLEET OPERATOR is a person who owns, leases, or operates school buses. A person is any public or private entity responsible for administering and managing school bus transportation services.
- (6) REPOWERED SCHOOL BUS means an existing, pre-owned school bus that has been converted to run on an alternative fuel or repowered with a new alternative-fueled engine.
- (7) SCHOOL BUS means any vehicle used for the express purpose of transporting students through Grade 12 from home to school and to any school sponsored activities as defined in California Vehicle Code section 545.
- (8) ULTRA-LOW-EMISSION VEHICLE (ULEV) means any vehicle certified to ultra-low-emission standards set forth in the "California Exhaust Emission Standards and Test Procedures for 1981 through 2006 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" and "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as incorporated by reference in sections 1960.1(h)(2) and 1961(a)(1), title 13, California Code of Regulations.

§ 2024.1. Determining Compliance for School Buses

- (a) Purchase and Lease Requirements for School Buses in the South Coast Air District.
 - (1) When adding to or replacing heavy-duty school buses in an existing fleet, public or private operators with 15 or more school buses shall purchase or lease new school buses equipped with engines meeting the best engine selection/technology (BEST) requirements as follows:
 - (A) A California-certified engine that meets the applicable criterion specified in subparagraph (a)(2), or
 - (B) A California-certified engine with a verified diesel emission control strategy that reduces emissions of NO_x and PM to the applicable criterion specified in subparagraph (a)(2) as determined by the verified performance of the strategy and engine combination.

(2) The best engine selection/technology is defined by the following criteria:

- (A) 2005-2006 Model Year Engine: Effective upon filing with the Secretary of State, the school bus shall be equipped with an engine certified to the optional NOx plus NMHC standard of 1.8 g/bhp-hr or lower and to the corresponding PM standard of 0.03 g/bhp-hr or lower as specified in title 13, CCR, section 1956.8 (a)(2)(A).
- (B) 2007 - 2009 Model Year Engine: Beginning January 1, 2007, the school bus shall be equipped with an engine certified to the 2007 and subsequent standards specified in title 13, CCR, section 1956.8 (a)(2)(A), provided the declared NOx FEL of the engine does not exceed [0.2 – 0.9]¹ g/bhp-hr.
- (C) 2010 and Subsequent Model Year Engine: Beginning January 1, 2010, the school bus shall be equipped with an engine certified to the standards specified in title 13, CCR, section 1956.8 (a)(2)(A).

(3) Exemptions from BEST for New Heavy-Duty School Buses. Operators of public and private school buses may apply to the Executive Officer for an exemption from the provisions of subparagraph (a)(1) for the following reasons:

- (A) Lack of funding for the incremental cost of BEST. A public or private school bus fleet operator may purchase a heavy-duty school bus that does not meet BEST requirements under subparagraph (a)(1) of this rule, if sufficient grant funding or external sources of funding beyond that of the school bus fleet operator's fiscal budget is not available to fully offset the differential purchase cost {including costs of warranties comparable to base warranties for a comparable school bus purchase not meeting the requirements of subparagraph (a)(1)} of the BEST school bus compared to the cost of a comparable school bus not meeting the requirements of subparagraph (a)(1), provided the bus purchased is equipped with a California-certified engine meeting a PM standard of 0.01 g/bhp-hr as specified in title 13, CCR, section 1956.8 (a)(2)(A), except as provided in subparagraph (a)(3)(D) of this section.
- (B) Lack of funding for infrastructure. Notwithstanding subparagraph (a)(3)(A) above, if the BEST school bus is an alternative fuel bus, and if a public or private school bus fleet operator does not receive external funding (beyond the school bus fleet operator's fiscal budget) of at least \$13,000 per BEST bus to upgrade an existing maintenance facility to required standards to handle alternative-fuel bus technology, the school bus operator may purchase a diesel-powered school bus equipped with a California-certified engine meeting a PM standard of 0.01 g/bhp-hr as

¹ Staff is requesting comments on the value within this range that should be the upper allowable Family Emission Limit for NOx emissions.

specified in title 13, CCR, section 1956.8 (a)(2)(A), except as provided in subparagraph (a)(3)(D) of this section.

- (C) Lack of available engine/chassis/body configuration. Upon demonstration to the Executive Officer that a BEST school bus is not available in a specific bus size or could not be used on a specific fixed bus route, a school bus that does not meet the requirements of subparagraph (a)(1), but which is equipped with a California-certified engine meeting a PM standard of 0.01 g/bhp-hr as specified in title 13, CCR, section 1956.8 (a)(2)(A), may be purchased in that specific bus size or as needed for the specific fixed bus route, except as provided in subparagraph (a)(3)(D) of this section.
- (D) Lack of funding for a California-certified engine meeting an optional PM standard. For the 2005 – 2006 model years, a public or private school bus fleet operator may purchase a heavy-duty school bus equipped with a diesel-powered engine that does not meet an optional PM standard of 0.01 g/bhp-hr as specified in title 13, CCR, section 1956.8 (a)(2)(A), provided external funding beyond a school bus fleet operator's fiscal budget is not available for the incremental cost of the engine meeting the optional PM standard.
- (E) Lack of available infrastructure. Upon demonstration to the Executive Officer that an alternative-fuel refueling station for an alternative-fueled BEST school bus is not available within five miles of the vehicle storage or maintenance yards, and the public or private school bus fleet operator has not received external funding (beyond the school bus fleet operator's fiscal budget) of at least \$13,000 for each alternative-fueled BEST school bus purchased or leased to build a new alternative-fuel refueling station, a public or private school bus fleet operator may purchase school buses that are not alternative-fueled BEST school buses.
- (F) Field trips. For the purpose of transporting passengers on field trips outside of the jurisdiction of the District and when the remainder of the fleet consists of school buses that meet the requirements of subparagraphs (a)(1) and (a)(7), public and private school bus fleets shall only contain school buses that do not meet the requirements of subparagraphs (a)(1) and (a)(7), in accordance with the table below. The Executive Officer may consider a higher number on a case-by-case basis, if the public or private school bus fleet can demonstrate, based on three (3) years of bus dispatch logs, that a higher number of field trip buses is necessary.

Fleet Size (School Buses)	Maximum # of Field Trip Buses
≥ 100	10% of fleet
$51 < 100$	10
≤ 50	5

- (G) Unforeseen circumstances. If during the year that the school is in session, a public or private school bus fleet operator needs additional school buses due to unforeseen circumstances to operate during that school year, the operator may lease the needed quantity of school buses that do not comply with the provisions of subparagraphs (a)(1) and (a)(7) for the months necessary to purchase or lease school buses compliant to paragraphs (a)(1) and (a)(7), not to exceed the remaining portion of the school year, if a demonstration is made that the rule-compliant school bus cannot be deployed by the school bus fleet operator within one month from the date of order.
- (H) Mergers. For purposes of this rule, a private school bus fleet operator is not deemed to have purchased, leased, added to, or formed a new fleet if the private school bus fleet operator, as part of a purchase or merger with another private school bus fleet operator that provides contracted school bus transportation services, transfers ownership of school buses that are already operating in the District at the time of purchase or merger.
- (4) Pre-Owned Heavy-Duty School Bus Purchases. For pre-owned heavy-duty school bus purchases, public or private operators with 15 or more school buses shall purchase a school bus repowered with a new engine meeting the BEST emission standard criteria specified in subparagraph (a)(2), when adding to or replacing heavy-duty school buses in an existing fleet.
- (5) Exemptions from Pre-Owned Heavy-Duty School Buses. Operators of public and private school buses may apply to the Executive Officer for an exemption from the provisions of subparagraph (a)(4) for the following reason:
- (A) A public or private school bus fleet operator may purchase a pre-owned school bus that does not meet the requirements of subparagraph (a)(4) if the oldest school bus in the operator's existing school bus fleet is scrapped or otherwise removed permanently from operation. The pre-owned school bus shall be equipped with a verified diesel emission control strategy, if external funding beyond a school bus fleet operator's fiscal budget is available for the incremental cost of a verified diesel emission control strategy.

- (6) Diesel Emission Control Strategies. To reduce emissions from in-use diesel school buses, public or private operators with 15 or more school buses shall install a verified diesel emission control strategy on each school bus with a diesel-powered engine eligible for the installation of the verified strategy. Verified strategies must achieve one or more of the following levels of emission control:
- (A) Level 1: $\geq 25\%$ PM reduction
 - (B) Level 2: $\geq 50\%$ PM reduction
 - (C) Level 3: $\geq 85\%$ PM reduction or ≤ 0.01 g/bhp-hr PM
 - (D) Verified in 5% increments: $\geq 15\%$ NOx reduction
 - (E) If using a fuel-based verified strategy to meet the emission control levels specified in (A) through (D), the fleet operator must continue that strategy for the life of the school bus, or upon discontinuing the fuel-based strategy, apply to the District for approval to install or employ a different verified strategy for the life of the school bus.
- (7) When adding to or replacing medium-duty school buses in an existing fleet, public or private operators with 15 or more school buses shall purchase or lease new medium-duty school buses meeting BEST requirements as follows:
- (A) 2005 - 2009 Model Year Engine: Effective upon filing with the Secretary of State, a new medium-duty school bus shall be equipped with an engine certified as ULEV or cleaner.
 - (B) 2010 and Subsequent Model Year Engine: Beginning January 1, 2010, a new medium-duty school bus shall be equipped with an engine certified as **{requirements to be inserted; to be based on ULEV technology post-2010}**.
- (8) Exemptions from BEST for New Medium-Duty School Buses. Operators of public and private school buses may apply to the Executive Officer for an exemption from the provisions of subparagraph (a)(7) for the following reasons:
- (A) Lack of funding for the incremental cost of BEST. A public or private school bus fleet operator may purchase or lease a medium-duty school bus that does not meet BEST requirements under subparagraph (a)(7) of this rule, if sufficient grant funding or external sources of funding beyond that of the school bus fleet operator's fiscal budget is not available to fully offset the differential purchase cost {including costs of warranties comparable to base warranties for a comparable school bus purchase not

meeting the requirements of subparagraph (a)(7)} of the BEST school bus compared to the cost of a comparable school bus not meeting the requirements of subparagraph (a)(7).

- (B) Lack of funding for infrastructure. Notwithstanding subparagraph (a)(8)(A) above, if the BEST school bus is an alternative fuel bus, and if a public or private school bus fleet operator does not receive external funding (beyond the school bus fleet operator's fiscal budget) of at least \$13,000 per BEST bus to upgrade an existing maintenance facility to required standards to handle alternative-fuel bus technology, the school bus operator may purchase a diesel-powered school bus.
- (C) Lack of available engine/chassis/body configuration. Upon demonstration to the Executive Officer that a BEST school bus is not available in a specific bus size or could not be used on a specific fixed bus route, a school bus that does not meet the requirements of subparagraph (a)(7) may be purchased in that specific bus size or as needed for the specific fixed bus route.
- (D) Lack of available infrastructure. Upon demonstration to the Executive Officer that an alternative-fuel refueling station for an alternative-fueled BEST school bus is not available within five miles of the vehicle storage or maintenance yards, and the public or private school bus fleet operator has not received external funding (beyond the school bus fleet operator's fiscal budget) of at least \$13,000 for each alternative-fueled BEST school bus purchased or leased to build a new alternative-fuel refueling station, a public or private school bus fleet operator may purchase or lease school buses that are not alternative-fueled BEST school buses.
- (E) Field trips. For the purpose of transporting passengers on field trips outside of the jurisdiction of the District and when the remainder of the fleet consists of school buses that meet the requirements of subparagraphs (a)(1) and (a)(7), public and private school bus fleets shall only contain school buses that do not meet the requirements of subparagraphs (a)(1) and (a)(7), in accordance with the table below. The Executive Officer may consider a higher number on a case-by-case basis, if the public or private school bus fleet can demonstrate, based on three (3) years of bus dispatch logs, that a higher number of field trip buses is necessary.

Fleet Size (School Buses)	Maximum # of Field Trip Buses
≥ 100	10% of fleet
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≤ 50	5

- (F) Unforeseen circumstances. If during the year that the school is in session, a public or private school bus fleet operator needs additional school buses due to unforeseen circumstances to operate during that school year, the operator may lease the needed quantity of school buses that do not comply with the provisions of subparagraphs (a)(1) and (a)(7) for the months necessary to purchase or lease school buses compliant to subparagraphs (a)(1) and (a)(7), not to exceed the remaining portion of the school year, if a demonstration is made that the rule-compliant school bus cannot be deployed by the school bus fleet operator within one month from the date of order.
- (G) Mergers. For purposes of this rule, a private school bus fleet operator is not deemed to have purchased, leased, added to, or formed a new fleet if the private school bus fleet operator, as part of a purchase or merger with another private school bus fleet operator that provides contracted school bus transportation services, transfers ownership of school buses that are already operating in the District at the time of purchase or merger.
- (9) Pre-Owned Medium-Duty School Bus Purchases. For pre-owned medium-duty school bus purchases, public or private operators with 15 or more school buses shall purchase or lease a school bus equipped with an engine certified as LEV or cleaner.
- (10) Exemptions from Pre-Owned Medium-Duty School Bus Purchases. Requirements. Operators of public and private school buses may apply to the Executive Officer for an exemption from the provisions of subparagraph (a)(9) for the following reason:
- (A) A public or private school bus fleet operator may purchase a pre-owned school bus that does not meet the requirements of subparagraph (a)(9) if the oldest school bus in the operator's existing school bus fleet is scrapped or otherwise removed permanently from operation.
- (b) Compliance Auditing and Enforcement.
- (1) The fleet operator shall provide, at the request of the District, any files and/or records created to comply with subdivision (a), including fleet-specific information, such as a list of official Department Motor Vehicle registrations, principal vehicle location, manufacturer, model-year, model, and fuel type of each school bus in an operator's fleet. This provision shall not apply for records that have been in existence for more than one (1) year.
- (2) Any school bus fleet operator seeking an exemption under subparagraphs (a)(3), (a)(5), (a)(8), and (a)(10) shall supply proof that vehicle or fleet is exempted from the requirements of this rule upon request by the District.

- (3) Any school bus fleet operator seeking an exemption under the provisions of subparagraphs (a)(3), (a)(5), and (a)(8) that pertain to external funding availability shall apply for external funding or to external funding sources, identified annually by and with the assistance of the Executive Officer and demonstrate that funding is not available prior to the purchase or lease of school buses as allowed under subparagraphs (a)(3), (a)(5), and (a)(8).
- (4) Any school bus fleet operator using fuel or fuel additives as a diesel emission control strategy under the provisions of subparagraph (a)(6), shall retain all records of purchase for the most recent five (5) years that demonstrate usage, and provide to the District upon request.
- (5) Circumvention of this rule is prohibited, including artificially creating fleets under common ownership of smaller than 15 vehicles, without sufficient business justification.
- (c) Non-Compliance. The Executive Officer may bring an action for civil penalties as specified in state law and regulations, including, but not limited to, Health and Safety Code Section 39674, for any violation of this section.
- (d) Severability. Each provision of this section is severable, and in the event any provision is held invalid, the remainder remains in full force and effect.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 39658, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43010, 43018, 43101, 43102, 43104, 43105, and 43700, Health and Safety Code.